



**Request for City Council Committee Action
From the City Attorney's Office**

Date: October 9, 2012
To: Ways & Means/Budget Committee
Referral to:

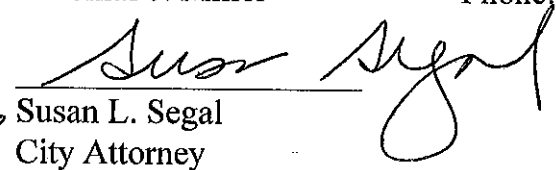

Subject: 1. David Anderson and Ruby Anderson v. City of Minneapolis
2. Sentinel Insurance Company v. City of Minneapolis

Recommendation: 1. That the City Council approve the settlement of this case by payment of \$5,000.00 payable to David Anderson and Ruby Anderson, from Fund/Org. 06900-1500100-145280 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

2. That the City Council approve the settlement of this case by payment of \$15,000.00 payable to Sentinel Insurance Company, and its attorney Raymond L. Tahnk-Johnson from Fund/Org. 06900-1500100-145280 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives: None

Prepared by: Thomas J. Miller Phone: (612) 673-2897

Approved by: 
 Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact:(Check those that apply)

☐ No financial impact (If checked, go directly to Background/Supporting Information).

☐ Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.

☐ Action provides increased revenue for appropriation increase.

☐ Action requires use of contingency or reserves.

☐ Business Plan: _____ Action is within the plan. _____ Action requires a change to plan._

☒ Other financial impact (Explain): \$20,000.00 from Fund/Org. 06900-1500100-145280

☐ Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

This matter and subsequent claims arise out of a motor vehicle accident that occurred on July 21, 2010. On that date, David Anderson was driving south on Bryant Avenue South and entered the intersection at 38th Street when he was struck by a eastbound City of Minneapolis fire truck on an emergency call. The Fire vehicle had its lights activated but had not activated the siren.

As a result of the crash, passenger Ruby Anderson and her husband David sustained injuries and incurred in excess of \$3,927.42 in treatment expenses. Mrs. Anderson continues to suffer difficulties as a result of her injuries. In response to payments made for their insured's injuries and related No-Fault expenses, Sentinel Insurance Company claims a \$16,494.30 subrogation interest against the City.

Following extensive negotiations with the Andersons and attorneys for Sentinel Insurance Company, we have reached tentative settlements of the Anderson's personal injury claim against the City in the amount of \$5,000.00 and of Sentinel's No-Fault Subrogation claim in the amount of \$15,000.00. This proposed settlement has been discussed with the Public Works Administration and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TJM / 11-19241